

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

LIVIER BERENICE VALENZUELA-
VELASCO,

Defendant.

Case No. 2:15-cr-00352-APG-PAL

**ORDER DENYING APPEAL OF
DETENTION ORDER**

(Dkt. #28)

On December 16, 2015, Magistrate Judge C. W. Hoffman, Jr. entered an order detaining defendant Livier Berenice Valenzuela-Velasco pending trial. (Dkt. #20.) On December 23, 2015, Ms. Valenzuela-Velasco appealed from that order. (Dkt. #28.) The Government opposes the appeal. (Dkt. #32.)

A defendant ordered detained by a magistrate judge may file a motion for revocation or amendment of the order. 18 U.S.C. § 3145(b). The district judge reviews a magistrate judge's detention order de novo. *United States v. Koenig*, 912 F.2d 1190, 1192-93 (9th Cir. 1990). "The district court is not required to start over in every case, and proceed as if the magistrate's decision and findings did not exist." *Id.* at 1193. Instead, "[i]t should review the evidence before the magistrate and make its own independent determination whether the magistrate's findings are correct, with no deference." *Id.*

I have conducted an independent, de novo review of Judge Hoffman's detention order and the parties' respective briefs. I agree with Judge Hoffman's findings and conclusions and adopt them herein.

If she is convicted of the crimes with which she is charged, Ms. Valenzuela-Velasco faces a mandatory minimum of 10 years in prison, and a maximum term of life imprisonment. 21 U.S.C. §§ 841(a)(1) and (b)(1)(A). Thus, "[s]ubject to rebuttal by [Ms. Valenzuela-Velasco], it shall be

1 presumed that no condition or combination of conditions will reasonably assure [her] appearance .
2 . . as required and the safety of the community.” 18 U.S.C. § 3142(e)(3)(A).

3 Ms. Valenzuela-Velasco has significant family ties to Mexico. She apparently admitted to
4 law enforcement officers that she has previously crossed the border to assist with her uncle’s drug
5 deals. Even if she is permitted to reside with her aunt in Arizona with location monitoring, it would
6 not be difficult for her to remove the monitoring device and flee across the border to Mexico before
7 she could be apprehended. Finally, this case involves a drug deal of significant amount and value,
8 and the evidence appears strong.

9 Finally, Ms. Valenzuela-Velasco has not presented any new information that has a material
10 bearing on the issue of whether conditions of release that will reasonably assure her appearance
11 and the safety of the community. 18 U.S.C. § 3142(f).

12 Accordingly, IT IS HEREBY ORDERED that defendant’s appeal from Judge Hoffman’s
13 detention order **(Dkt. #28) is DENIED.**

14 Dated: January 6, 2016.



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16 ANDREW P. GORDON
17 UNITED STATES DISTRICT JUDGE
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